ITS Mississippi Department of
Information Technology Services

3771 Eastwood Drive
Jackson, MS 39211-6381
Phone: 601-432-8000
Fax: 601-713-6380
www.its.ms.gov

David C. Johnson, Executive Director

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46427

Date: August 31, 2021

Re: Sole Source Certification Number 4410 to provide a web-based waste data management and reporting system for the Mississippi Department of Environmental Quality (MDEQ)

Contact Name: Robert Martinez

Contact Phone Number: 601-432-8002

Contact E-mail Address: Robert.Martinez@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4410 for the Mississippi Department of Environmental Quality (MDEQ), please be advised that ITS intends to award Emerge Knowledge Design Inc., as the sole source provider of Re-TRAC Connect software uniquely designed for the collection and aggregation of solid waste disposal and waste recycling data through June 30, 2022 in an amount not to exceed $24,903.00. Please be advised that ITS will determine if additional enhancements, upgrades or support are within scope during the certification period and may increase the spending authority accordingly. Should Emerge Knowledge Design Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

   The Re-TRAC Connect system is designed to help government agencies collect, manage, and analyze waste and recycling information submitted by reporting entities (landfills, transfer stations, haulers, municipalities, businesses, etc.). The system offers data collection templates that have been refined by years of working with state and local governments and provides real-time tracking and analysis of more than 250 unique materials. Re-TRAC is already in use by the US Environmental Protection Agency (EPA) and other states for the collection and comparison of waste data nationally. MDEQ already uses Re-TRAC to input the aggregated solid waste data that is manually collected each year. This information is entered into Re-

TRAC in coordination and cooperation with the US EPA, the 9 southeastern states of EPA's Region IV, and various other states. In addition, Re-TRAC is used by the Keep America Beautiful affiliate so many local governments are already familiar with this system. The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

MDEQ currently collects annual reports from all solid waste facilities in the state through hardcopy reporting forms. MDEQ technical staff manually aggregates and tabulates the data, then inputs the data into an annual summary report that is published to manage solid waste in the state of Mississippi. The Re-TRAC reporting system will allow electronic collections of this data, saving the user and MDEQ numerous hours of manual manipulation of data and reducing the use of storage space for the hardcopy reports. Using Re-TRAC will expedite the process and shorten the time by which reporting will be available. At this time, the State is not aware of any other Vendors that provide a web-based data management and reporting tool specifically for the collection of solid waste disposal and waste recycling data that is networked with other states and is used by the United States Environmental Protection Agency (EPA). The Re-TRAC software has been used by the EPA and participating states in recent efforts to standardize how states report this data. No other software has been used for these efforts. The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

Emerge Knowledge Design, Inc. is the developer and sole provider of Re-TRAC Connect software. This software is not available from resellers. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	08/31/21
Second Advertisement Date	09/07/21
Response Deadline From Objectors	09/15/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 09/16/21

Project Details

The Mississippi Department of Environmental Quality (MDEQ) is seeking to renew their web-based waste data management and reporting system for the collection of solid waste disposal and waste recycling data that is specifically networked with other states through the State Measurement Program (SMP) to the United States Environmental Protection Agency (EPA). On behalf of MDEQ, ITS issued Notice of Intent to Certify Sole Source Number 4061 to provide a web-based data management and reporting system, and received no objections. To date, MDEQ has spent $81,355.00.

MDEQ is seeking to renew their agreement for one year in the total amount of $24,903.00 for the web-based waste data management and reporting tool which allows solid waste facilities to report to MDEQ.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the web-based waste data management and reporting system should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Emerge Knowledge Design Inc.

    1.1   Interested Party Information

        1.1.1   Contact Name, Phone Number and email address

        1.1.2   Company Website URL, if applicable

    1.2   Objection to Sole Source Certification

        1.2.1   Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

        1.2.2   A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

    1.3   Comments will be accepted at any time prior to Tuesday, September 15, 2021, at 3:00 p.m. (Central Time) to Robert Martinez at Robert.Martinez@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Robert Martinez to verify the receipt of their Responses. Responses received after the deadline will be rejected.

    1.4   Interested Party responses should include the following information:

> **SUBMITTED IN RESPONSE TO**
> **Sole Source Certification No. 4110-46427**
> **Accepted until September 15, 2021 @ 3:00 p.m.,**
> **ATTENTION: Robert Martinez**

If you have any questions concerning the information above or if we can be of further assistance, please contact Robert Martinez at 601-432-8002 or via email at Robert.Martinez@its.ms.gov.

Attachment A: Customer Sole Source Certification Request
Attachment B: Vendor Correspondence
Attachment C: Sole Source Procurement Overview

 Mississippi Department of Information Technology Services

3771 Eastwood Drive
Jackson, Mississippi 39211
Phone 601-432-8000 Fax 601-713-6380
www.its.ms.gov

Sole Source Certification Request

Project Title:	MDEQ Waste Data Management System

Contact Information

Agency/Institution:	Mississippi Department of Environmental Quality	Contact Person:	Chester Willis
Mailing Address:	P.O. Box 2261, Jackson, MS 39225 or 515 . Amite Street, Jackson, MS 39201	Phone Number:	(601) 961-5285
		Email Address:	cwillis@mdeq.ms.gov
MAGIC Customer #: (Only required from state agencies.)	7000000151	Division/Dept:	

Project Summary

Description of Project: (Include details of original acquisition if applicable)	It is the intent to renew the electronic data management and annual reporting system for solid waste facility owners allowing MDEQ to more efficiently compile and manage this data electronically. The solid waste annual reporting program has seen great success with this system and MDEQ would like to continue utilizing the contracted services.
ITS Acquisition Approval (CP-1) should be effective through this date:	

Cost Estimates (Maximum allowed duration is 3 years per request/project)

Fiscal Year		Initial Costs	Ongoing Costs	Time Constraints		Estimate the Anticipated Lifecycle or Years of Product/System's Effective Use:
FY	2022	$24,903.00	$24,903.00	Item Needed by:		
FY				Funds Expire:		13 months + 1 day
FY				Other Important Deadline(s): (e.g. current contract/CP-1 expiration dates)		
Total Estimated Project Cost:		$24,903.00				

Funding Source:		state funds generated by fees on the disposal of solid wastes in the state of MS
Discuss Funding: (e.g. fund number; how much of needed funding is definite; total project budget; any matching or other non-state funds)		

Acquisition Details

Item or Part Number	Quantity	Description	Building Location(s)
Software and Maintenance	13 Months + 1 Day	Software support and maintenance	

Describe Platform and Infrastructure: Where does your agency plan to house or host the requested equipment or service? What resources currently available through ITS are needed (network connectivity, cloud computing/storage, colocation, business resiliency, etc.)?
NOTE: For equipment or services outside of current ITS available contracts and resources, justification must be attached.

The platform is housed at the Re-Trac Connect/Emerge Knowledge location. The staff logs into their servers to export data/reports.

Sole Source Certification -   Certification must be renewed for each revision or continuation of previous Sole Source Approval.

Explain why these products or services are the only ones that can meet your needs: (Include specific functionality or special features that make this product or service unique.)	The Re-TRAC Connect system is designed to help government agencies collect, manage, and analyze waste and recycling information submitted by reporting entities (landfills, transfer stations, haulers, municipalities, businesses, etc.). The system offers data collection templates that have been refined by years of working with state and local governments and provides real-time tracking and analysis of more than 250 unique materials. Re-TRAC is already in use by the US Environmental Protection Agency (EPA) and other states for the collection and comparison of waste data nationally. MDEQ already uses Re-TRAC to input the aggregated solid waste data that is manually collected each year. This information is entered into Re-TRAC in coordination and cooperation with the US EPA, the 9 southeastern states of EPA's Region IV, and various other states. In addition, Re-TRAC is used by the Keep America Beautiful affiliate so many local governments are already familiar with this system.
Specific business requirements to be met by the products/services: (e.g. intended use, how it helps accomplish a task, etc.)	MDEQ currently collects annual reports from all solid waste facilities in the state through hardcopy reporting forms. MDEQ technical staff manually aggregates and tabulates the data, then inputs the data into an annual summary report that is published to manage solid waste in the state of Mississippi. The Re-TRAC reporting system will allow electronic collections of this data, saving the user and MDEQ numerous hours of manual manipulation of data and reducing the use of storage

	space for the hardcopy reports. Using Re-TRAC will expedite the process and shorten the time by which reporting will be available. At this time, the State is not aware of any other Vendors that provide a web-based data management and reporting tool specifically for the collection of solid waste disposal and waste recycling data that is networked with other states and is used by the United States Environmental Protection Agency (EPA). The Re-TRAC software has been used by the EPA and participating states in recent efforts to standardize how states report this data. No other software has been used for these efforts.
Explain why this is the only entity that can provide the products/services: (Include other products/vendors researched or evaluated.)	Emerge Knowledge Design, Inc. is the developer and sole provider of Re-TRAC Connect software. This software is not available from resellers.

If for services or installations (not a product) the following two questions must be addressed.				
Vendor's proposal submitted:	☒ **Yes** ☐ **No** (select only one)	**Vendor's Certification of Sole Source attached:**		☒ **Yes** ☐ **No**

MAGIC Vendor Code(s) - **Vendor must be in MAGIC before a CP-1 can be issued.**					
Place Order To Vendor Code:	**Vendor Name:**	Emerge Knowledge	**Remit To Vendor Code:**	**Vendor Name:**	Emerge Knowledge Design Inc.
3102042692	**Vendor Address:**	401-250 McDermot Avenue, Winnipeg, Manitoba R3B 0S5, Canada	3102042692	**Vendor Address:**	401/250 McDermot Avenue, Winnipeg, Manitoba R3B 0S5, Canada

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13.

Terri Torrence	Chief Administrative Officer		8/31/2021
Name and Title (Agency Head/Institution President/CIO)		Signature	Date

Re-TRAC
▶▶▶ CONNECT

Apr 5, 2021

Mississippi Department of Environmental Quality
Mississippi Department of Information Technology Services

Re: Re-TRAC Connect Sole Source

Dear Charlie Bock, P.E., Manager, Policy, Planning, & Special Programs Branch, Waste Division:

This letter outlines the rationale for a sole source justification for procuring a Re-TRAC Connect™ software subscription from Emerge Knowledge Design Inc. (Emerge Knowledge) for managing online data collection from solid waste reporting entities by the MS Department of Environmental Quality (MS DEQ).

A sole source purchase is justified for the following three (3) significant reasons:

1. Re-TRAC Connect performs a function that no other software can provide to the DEQ: Re-TRAC Connect is the software solution being used by state governments to report and share solid waste and recycling information regionally and nationally through the State Measurement Program (SMP)[1] to the U.S. Environmental Protection Agency. As such, Re-TRAC Connect is the only service that a state government can use to participate in the SMP.

2. Using an integrated solution to collect data from reporting entities within the state, as well as measure and report aggregated totals to the SMP, will allow the MS DEQ to complete these activities through a single software sign-on thereby saving time and cost through efficient adoption of a software system (including staff training) and achieving the business objective of operational efficiency by the MS DEQ.

3. A Re-TRAC Connect subscription can only be procured in Mississippi directly from Emerge Knowledge, the developer and sole provider of the software solution. A short video about Re-TRAC Connect software, case studies, and additional information is available at www.re-trac.com.

Please contact me if any questions arise.

Thank you,

Jennifer Peters

Jennifer Peters
Administrative Officer
Emerge Knowledge Design Inc.

---

[1] Information about the State Measurement Program is available on the EPA website:
https://www.epa.gov/smm/sustainable-materials-management-us-state-data-measurement-sharing-program

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1.   The product or services being purchased must perform a function for which no other product or source of services exists,

2.   The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND

3.   The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1.   An explanation about why the amount to be expended is reasonable, and

2.   An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of $5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over $5,000 but not over $50,000 (not over $25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than $5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to $250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above $5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above $250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.